

The sheriff's return to a writ of attachment may be amended during the term. *Boyd v. Chesapeake, etc., Canal Co.*, 17 Md. 210.

When a sheriff returns a writ of attachment fully executed according to its command, he has nothing more to do so far as that writ is concerned. *Johnson v. Foran*, 53 Md. 150.

In all collateral inquiries the return of sheriff must be taken as correct. Admissibility of evidence in a suit for false return. *Keedy v. Newcomer*, 1 Md. 250.

The sheriff's return is *prima facie* evidence of truth of what it discloses. *State v. Lawson*, 2 Gill, 62. See also *Hanson v. Barnes*, 3 G. & J. 359; *Scott v. Bruce*, 2 H. & G. 262; *Hayes v. Lusby*, 5 H. & J. 485.

A court of equity has no jurisdiction to decide that a return is defective; court out of which writ issues alone has cognizance thereof. *Nelson v. Turner*, 2 Md. Ch. 73.

The return of a writ "*cepi*" when it has not been served does not necessarily amount to fraud, and though sheriff is liable for his misconduct to the party aggrieved, a judgment founded on such return is not to be set aside on that ground alone. *Fowler v. Lee*, 10 G. & J. 358.

To enable the sheriff to sell land and vest a valid title in the purchaser, a seizure is indispensable. *Elliott v. Knott*, 14 Md. 135.

If the plaintiff agrees to a return, he cannot sustain an action against the sheriff for its being false. How a writ of replevin should be executed. *Hayes v. Lusby*, 5 H. & J. 485.

For a special return upheld, see *Scott v. Bruce*, 2 H. & G. 262.

As to the service of the writ of *habeas corpus* by the sheriff, see art. 42, sec. 6, *et seq.*

An. Code, 1924, sec. 7. 1912, sec. 7. 1904, sec. 7. 1888, sec. 7. 1780, ch. 10, sec. 2. 1872, ch. 433.

7. He or his deputy, when he arrests a person on a writ for any criminal offense not punishable by confinement in the penitentiary, make take a bail-bond from the person so arrested with security to be by him approved and in a penalty not exceeding three hundred dollars, except in those cases where a specific fine or penalty is prescribed for the commission of the offense, in which cases the penalty of the bond shall be the highest penalty or fine fixed by law, with condition that the person so arrested shall appear in court on the day the said writ is returnable and attend the court from day to day and not depart therefrom without the leave of said court; and if the person so arrested cannot give bail-bond, he shall be taken before a justice of the peace to be dealt with according to law.

Bail is taken to secure attendance of accused and is not designed as a satisfaction for the offense, when it is forfeited. *Ex parte Milburn*, 9 Pet. 710.

An. Code, 1924, sec. 8. 1912, sec. 8. 1904, sec. 8. 1888, sec. 8. 1780, ch. 10, sec. 2.

8. Such bail-bond shall be taken in the name of the State and shall be returned to the court to which such writ is returnable on the first day thereof.

An. Code, 1924, sec. 9. 1912, sec. 9. 1904, sec. 9. 1888, sec. 9. 1793, ch. 60, sec. 1.

9. When a sheriff shall return any person arrested upon criminal process, either mesne or final, and shall fail to bring such person into court and shall be amerced, the court may, in the name of the State for the use of the State, or such person as may be interested, on motion of the state's attorney, direct judgment to be entered against such sheriff for the sum for which he shall have been amerced, or for the fine, penalty or forfeiture and costs for which judgment may have been entered against the person so arrested, which judgment shall have the same effect as if rendered on verdict.

For a case involving act of 1768, ch. 10, sec. 1, see *State v. Lawson*, 2 Gill, 73. See secs. 11 and 12, and notes to the latter.